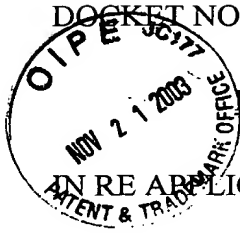


DOCKET NO: 147303US0FWC I



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TETSUJI SUDOH, ET AL.

SERIAL NO: 08/192,800

FILED: FEBRUARY 7, 1994

FOR: PHYSIOLOGICALLY ACTIVE
POLYPEPTIDE AND DNA

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: EXAMINER: MCGARRY SEAN R

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: GROUP ART UNIT: 1635

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DEC 04 2003

TECH CENTER 1600/2900

PETITION UNDER §37 C.F.R. § 1.181(A)(3)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Request to Reset the Reply Period for an Office Action for an incorrect citation of an reference as set forth under the provisions afforded to the Petitioners by MPEP § 710.06. Copy of the Office Action is attached herewith.

Applicants note that the Reference "5,581" at page 3, line 4, of Office Action, dated October 23, 2003, is incorrect, illegible, and lacks meaning. Consequently Applicants cannot respond to all grounds of rejection in the Office Action. Applicants discussed the reference clarification with the Examiner on November 19, 2003, who kindly indicated and the reference, was in fact, incorrect. However, the Examiner indicated that he could not correct the reference until December, 2003, because the file was unavailable and could not be found. Applicants also note this error was called to the attention of the Office within one month, and respectfully request that a reply period to begin from the day the error is corrected. MPEP § 710.06.

An early and favorable indication that the request to reset the reply period for the Official Action has been entered and considered, as well as a new Office Action correcting the cited reference, is kindly solicited.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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